

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FATHOLAH K.,

Case No. 23-CV-01013 (JFD)

Plaintiff,

v.

ORDER

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

This case is before the Court on plaintiff Fatholah K.’s Application to Proceed in District Court Without Prepaying Fees or Costs (Dkt. No. 4). The Court denies Fatholah K.’s application without prejudice. “The central question [in assessing an application to proceed without prepaying fees] is whether the movant can afford the costs of proceeding without undue hardship or deprivation of the necessities of life.” *Ayers v. Tex. Dep’t of Crim. Just.*, 70 F.3d 1268, 1268 (5th Cir. 1995) (per curiam); *Mollie I.G.S. v. Comm’r of Soc. Sec.*, No. 23-CV-0694 (TNL), 2023 WL 2717312, at *1 (D. Minn. Mar. 30, 2023) (relying on *Ayers*). Fatholah K.’s IFP application states that they have \$5,800 in monthly income for the past twelve months, and that they anticipate no major changes to their income for the next twelve. (See Dkt. 4 at 1-2, 5.) Given this income level, the Court cannot conclude that Fatholah K. would experience undue hardship or be deprived of life’s

necessities if required to pay this action's fees and costs.

Date: May 3, 2023

s/ John F. Docherty

JOHN F. DOCHERTY

United States Magistrate Judge